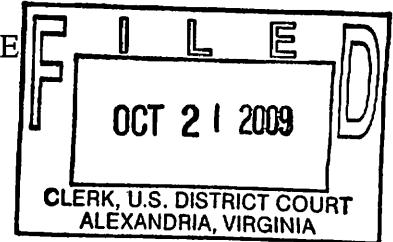


UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
(Alexandria Division)



United States of America                          )  
    )  
    )  
v..    )         Case No. 1:09CR284  
    )  
    )  
RICHARD EARL JAENCH                            )  
    )

MOTION TO QUASH SUBPOENA DUCES TECUM

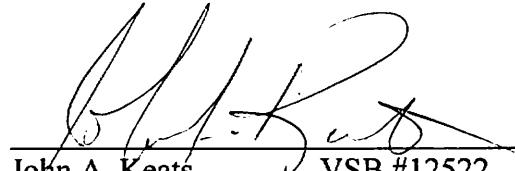
Jack William Lockerby, by counsel, hereby respectfully moves this Honorable Court to quash the subpoena duces tecum issued on October 20, 2009 directing him to supply a handwriting exemplar in the presence of a government agent.

On September 17, 2009, the United States issued a subpoena to Jack William Lockerby to appear and testify in the above matter on October 28, 2009 at 10:00 a.m. The Government was informed that Mr. Lockerby would refuse to testify, asserting his rights under the Fifth Amendment of the Constitution of the United States. The Government declined to seek immunity under 18 U.S.C. 6002 and upon information and belief sought and obtained permission to issue a subpoena duces tecum under rule 17(c) of the F.R.C.P. This subpoena directs Mr. Lockerby to "supply handwriting exemplar in the presence of a government agent per the Court's order" and directs that the compliance occur at the office of the United States Attorney in Alexandria as opposed to the courthouse.

It is the position of Mr. Lockerby that a rule 17(c) subpoena cannot be used to require handwriting exemplars and counsel has been unable to find any cases from the United States Court of Appeals for the Fourth Circuit permitting such use.

Further, Mr. Lockerby objects to the subpoena on the grounds that rule 17(c) of the F.R.C.P. does not authorize the Government to require compliance in their office nor in the presence of a government agent. Mr. Lockerby further objects to the subpoena and moves to quash it on the grounds that the act of compliance and production would violate his rights under the Fifth Amendment of the Constitution of the United States.

RESPECTFULLY SUBMITTED,



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